

**MINUTES**  
**BENBROOK ECONOMIC DEVELOPMENT CORPORATION**  
**Board of Directors**  
**Regular Meeting**  
**Benbrook City Hall**  
**September 18, 2006**

**I. CALL TO ORDER**

The Regular meeting of the Board of Directors of the Benbrook Economic Development Corporation was called to order at 7:06 p.m., Monday, September 18, 2006, in the Council Chamber, City Hall at 911 Winscott Road. The presiding officer was President Charlie Anderson. A quorum was present, including the following:

Charlie Anderson, President  
Dan Tully, Vice President  
Jim Amick, Secretary  
Steven White, Treasurer  
John Vander Pan  
James Schull

Absent: Rickie Allison

Staff Present: Ron Rainey, Executive Director  
Patty C. Bissey, Director of Marketing & Research

Also Present: Dave Gattis, Assist. City Manager  
Keith Bailey, City Council Member  
Ron Sauma, City Council Member  
Tammi Cauthen, First Bank, V.P./Citizen

**II. CONSENT AGENDA** (Items listed under the Consent Agenda are considered routine and are enacted in one motion. The exception to this rule is that a Board Member, Citizen, or Executive Director may request one or more items to be removed from the Consent Agenda for separate discussion and action.)

- a. Minutes of BEDC Regular Meeting of August 21, 2006**
- b. Financial Report For Period Ending August 31, 2006**

Mr. John Vander Pan made a motion to accept the consent agenda. Mr. Dan Tully seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

**III. DIRECTORS REPORT**

- a. Home Depot Contract Status** - Director Rainey stated that staff had not received response or new information from Home Depot in time for the BEDC Board meeting.

- b. Planning & Zoning Meeting Report** – Director Rainey reported that members of the City of Benbrook Planning & Zoning Commission met Thursday, September 14, and made a motion to accept the recommendation from City of Benbrook Staff to consider the request for vacation and abandonment of the portion of Goliad Street northwest of the intersection of Goliad Street and Del Rio Avenue. P& Z Board of Commissions will recommend to City Council on October 5, 2006 to approve a resolution of intent to vacate and abandon Goliad Street northwest of the intersection of Goliad Street and Del Rio Avenue, with the resolution providing for future vacation of the right-of-way subject to: the vacation of adjacent TxDOT right-of-way, compensation determined by the City Council, and re-platting of all vacated right-of-way into a lot of record with the dedication of adequate easements for all utility facilities.

#### **IV. UNFINISHED BUSINESS**

#### **V. NEW BUSINESS**

- a. Consider Wal-Mart Re-Zoning & Land Use Plan Amendment Application** - Executive Director, Ron Rainey reported that Robert Stoker, Assistant Vice President of Wal-Mart Stores Texas, LP, a Texas limited partnership, executed the Purchase Agreement between Wal-Mart and the Benbrook Economic Development Corporation on August 22, 2006. He added that Fidelity National Title has confirmed the “effective date” of escrow as August 23, 2006, and has acknowledged receipt of earnest money in the amount of \$5,000.00. Wal-Mart’s contract is for approximately 22.011 acres in Benbrook Towne Crossing with the tract located south of Mercedes, east of Vista Way, west of Benbrook Blvd. and north of Sproles Blvd. Staff has visited with Tom Galbreath, A.S.L.A., Executive Vice Present of Dunaway Associates, L.P., who has prepared application forms for an October Zoning and Land Use Plan Amendment application for the City of Benbrook.

Mr. Dan Tully made a motion to authorize President, Charlie Anderson, to execute the Wal-Mart re-zoning application and Land Use Plan Amendment. Mr. James Schull seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

- b. Consider Residential Marketing Signs/Sales Office On BEDC Property** – Director Rainey informed BEDC Board of Directors that Staff had met with Jeff Polk and David Adams (Adams Polk Builders) and National Homes President Trine Owen regarding their planned purchase of Phase I in the Benbrook Towne Crossing residential project. Mr. Rainey added that the firms have requested permission to place a portable Sales/Marketing office on property owned by BEDC between Jack in the Box and CVS. The group has agreed to make the site attractive with skirting on the sales office as well as appropriate landscaping. The office would only remain until the first two model homes could be constructed. The model homes would become the sales offices for the two companies. Requests have also been submitted

for “off site” advertising and directional signs to assist potential buyers in finding the development.

Mr. John Vander Pan made a motion to direct Staff to formulate a lease for Adams Polk Builders and National Homes for permission to place a portable Sales/Marketing office on BEDC property for Benbrook Towne Crossing, within the boundaries of the City of Benbrook ordinances. Mr. James Schull seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

- c. **Consider Farmers Insurance Claim For Heavenly Sleep Shoppe** – Mr. Rainey reported that heavy rain fell in Benbrook Sunday, August 27, and into the morning hours of Monday, August 28, causing inventory damage at Heavenly Sleep Shoppe, 8700 Benbrook Blvd., when the recent roof repairs failed. Director Rainey informed BEDC Board of Directors that Farmers Insurance Group has processed a claim filed by Heavenly Sleep Shoppe and is now looking to the Benbrook Economic Development Corporation (City of Benbrook) for reimbursement. Staff consulted with Dwight Heard, BEDC legal counsel, to review the Farmers Insurance letter and suggest BEDC action. Director Rainey reviewed recommendations made by Mr. Dwight Heard concerning inaccuracies in claim made by Farmers Insurance. Mr. Vander Pan suggested to Staff to draw up a letter Okaying legal counsel to send a letter to Farmers Insurance Group stating the items brought up by Mr. Heard. The Board concurred with Mr. Vander Pan’s directions.

## **VI. OTHER MATTERS OF BUSINESS**

## **VII. INFORMAL CITIZEN COMMENTS**

## **VIII. EXECUTIVE SESSION EXECUTIVE SESSION PURSUANT TO SECTION 551.072, DELIBERATION REGARDING REAL PROPERTY; SECTION 551.074, PERSONNEL** – BEDC Board President Charlie Anderson called the Board of Directors into Executive Session at 7:49 p.m.

- a. **Consider Purchase Of Lots 1A, 19 & 20, Block 4, BENBROOK ESTATES ADDITION**
- b. **Consider BEDC Incentive Pay for FY 2006-07 Budget Proposal**
- c. **Consider Executive Director Written Employment Contract**

## **IX. RECONVENE OPEN SESSION AND CONSIDER ANY ACTION FROM EXECUTIVE SESSION** - BEDC Board President Charlie Anderson reconvened the Board at 8:02 p.m.

- a. **Consider Purchase Of Lots 1A, 19 & 20, Block 4, BENBROOK ESTATES ADDITION**

Mr. Dan Tully made a motion to authorize BEDC Board President Charlie Anderson to sign the contract for the purchase of the 0.4 acres from Gene Buckner as presented by Staff. Mr. Vander Pan seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

**b. Consider Executive Director Written Employment Contract –**

Mr. Vander Pan made a motion to approve the Executive Director's Written Employment as presented. Mr. James Schull seconded the motion. President Charlie Anderson called the vote. All voted aye and the motion carried.

**c. Consider BEDC Incentive Pay for FY 2006-07 Budget Proposal –** BEDC President, Charlie Anderson stated that the EDC Board of Directors had decided to submit FY 2006-07 Budget to City Council as previously approved by the EDC Board of Directors with no changes.

**X. ADJOURNMENT**

There being no further business, the meeting adjourned at approximately 8:56 p.m.

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Secretary

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Presiding Officer